



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
251 Causeway Street, Suite 800, Boston, MA 02114-2136
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September 15, 2006

Shawn Konary
Director, Environmental, Safety and Health
Mirant Kendall, L.L.C.
9 Freezer Road
Sandwich, MA 02563

RE: CZM Federal Consistency Review of Mirant Kendall Station, NPDES permit #
MA0004898; Cambridge.

Dear Mr. Konary:

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the Mirant Kendall Power Station NPDES permit.

CZM conditionally concurs with your certification and finds that the principal activity is consistent with the CZM enforceable program policies. However, certain conditions relative to the barrier net system plan, design, operation, and monitoring (NPDES Permit Parts I: Attachment System plan c.) have not yet been finalized and will have significant bearing upon whether the permitted activity is fully consistent with those policies. Therefore, our concurrence with your certification is contingent on CZM's review of the following elements in the Water Quality Certification: the plan to meet the impingement performance standards with a barrier net system; the plan for the design and location of the barrier net system to minimize the entrainment and impingement and mortality of river herring and white perch larvae; and, the plan for the operation of the barrier net system to maximize survival and minimize adverse impact to river herring and white perch eggs and larvae impinged on the barrier net, including their return to the river with a minimum amount of stress. Should we determine that these elements of the NPDES permit are not consistent with our enforceable policies, we reserve the right to object to the permit, or request remedial action pursuant to 15 CFR part 930.65

If the above-referenced proposal, which has received this concurrence from CZM, is modified in any manner or is noted to be having effects on the coastal zone or its uses that are substantially different than originally proposed, please submit an explanation of the nature of the change to this Office pursuant to 301 CMR 21.17 and 15 CFR 930.66.

Thank you for your cooperation with CZM.

Sincerely,

BKL FOR SSC

Susan Snow-Cotter
Director



SSC/tpc
czm #6078

cc: George Papadopolous, EPA New England, by fax 617-918-0579
Ralph Child, Mintz, Levin, Cohn, Ferris,
Glovsky, and Popeo, P.C., One Financial Center, Boston, MA 02111